

**APPENDIX A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

|                                     |      |                                    |
|-------------------------------------|------|------------------------------------|
| <b>SHIRDENIA BRYANT</b>             | :    | <b>Civil Action No. C-1-02-006</b> |
| <b>Plaintiff,</b>                   | :    | <b>(Judge Spiegel)</b>             |
| <b>vs.</b>                          | :    |                                    |
| <b>PRESCOTT BIGELOW, IV, et al.</b> | :    | <b><u>AFFIDAVIT OF GARY R.</u></b> |
| <b>Defendants.</b>                  | :    | <b><u>LEWIS IN SUPPORT OF</u></b>  |
|                                     | :    | <b><u>DEFENDANTS PRESCOTT</u></b>  |
|                                     | :    | <b><u>BIGELOW AND ROSEANNE</u></b> |
|                                     | :    | <b><u>CHRISTIAN TO COMPEL</u></b>  |
|                                     | :    | <b><u>DISCOVERY</u></b>            |
| <b>STATE OF OHIO</b>                | )    |                                    |
|                                     | )SS: |                                    |
| <b>COUNTY OF HAMILTON)</b>          |      |                                    |

Gary R. Lewis, being first duly cautioned and sworn, states as follows:

1. I am the attorney of record for the Defendants Prescott Bigelow IV and Roseanne Christian in this action.
2. At the deposition of Plaintiff Shirdenia Bryant on September 3, 2003, I requested that copies of her federal income tax returns for the years 1997 to 2002 be produced.
3. On September 10, 2003, I sent a follow up letter to James Schwantes, an attorney representing the Plaintiffs, requesting copies of those income tax returns. A copy of this letter is attached to this affidavit as exhibit A.
4. At the deposition of Plaintiff Harry Curtis on August 29, 2003, I requested Mr. Curtis' federal income tax returns and his employment resume.

5. On September 2, 2003 and September 12, 2003, I sent letters to Bill Blessing, counsel for the Plaintiffs, requesting Mr. Curtis' resume and his federal income tax returns from 1998 to present. A copy of those letters are attached to this affidavit as exhibits B and C.

6. On September 15, 2003, I received a letter from Bill Blessing requesting an explanation as to why these returns were relevant. A copy of this letter is attached to this affidavit as exhibit D.

7. On September 19, 2003, I sent a letter to Bill Blessing again requesting copies of the income tax returns of Ms. Bryant and Mr. Curtis and Mr. Curtis' employment resume. A copy of this letter is attached to this affidavit as exhibit E. To date, I have not had a response to this letter.

8. To date, I have not received copies of the Plaintiffs federal income tax returns, nor Mr. Curtis' employment resume.

9. The discovery cut-off in this action is October 1, 2003. In light of this cut-off and based on the efforts to obtain these documents through verbal requests and correspondence, I believe this motion to compel discovery is necessary.

/s/ Gary R. Lewis  
Gary R. Lewis

Sworn to and subscribed before me in my presence this 1st day of October, 2003.

/s/ Debbie S. Siener  
Notary Public

DEBBIE S. SIENER  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires April 2, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Affidavit of Gary R. Lewis In Support of Motion of Defendants Prescott Bigelow IV and Roseanne Christian To Compel Discovery was served upon William H. Blessing, Esq., and James Schwantes, Esq., Attorneys for Plaintiff, 119 East Court Street, Suite 500, Cincinnati, Ohio 45202 by regular U.S. Mail, postage pre-paid this 1st day of October, 2003.

/s/ Gary R. Lewis

Gary R. Lewis

Attorney for Defendant Prescott Bigelow and  
Defendant Roseanne Christian